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Letter dated 27 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Namibia, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

[Original: English]

Letter dated 21 December 2001 from the Chargé d'affaires a.i. of the Permanent Mission of the Republic of Namibia to the United Nations addressed to the Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

On instructions from my Government, I have the honour to enclose herewith a note containing the report of the Government of the Republic of Namibia to the Counter-Terrorism Committee, pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

My Government stands ready to provide the Committee with further reports or information, as necessary, or if requested to do so by the Committee.

(*Signed*) Gerhard **Theron**
Chargé d'affaires a.i.

Enclosure

The Ministry of Foreign Affairs, Information and Broadcasting of the Republic of Namibia presents its compliments to the Chairman of the Committee of the Security Council established pursuant to resolution 1373 [2001] concerning international terrorism and, pursuant to paragraph 6 of the said resolution, has the honour to inform him on the steps taken to implement the resolution.

-Namibia at present, lacks proper legislation enabling the State to prevent and suppress terrorism as required by the provisions of resolution 1373. In this context, the Government of the Republic of Namibia has completed drafting a Terrorism Bill, and it is set to go through the necessary legislative process for adoption by the National Assembly at its next session in February 2002.

-The Bill, inter alia, prohibits any person from providing material, logistical or organisational support or other resources when he or she knows or ought to have known that such assistance, support or resources are calculated or intended to be used in the commission of terrorists acts. Any person who in preparation for the commission or attempted commission of terrorism provides or receives instructions or training in the making or use of firearms, explosives, or chemical, biological or nuclear weapons commits an offence punishable by imprisonment, without the option of a fine, for a period not exceeding 10 years.

-The Government of Namibia through the Ministry of Finance has instructed all banking institutions in Namibia to investigate as to whether terrorists or terrorist organisations make use of our banking institutions, and has strongly advised them to tighten their existing financial regulations taking into account the provisions of this resolution.

-The Government has also in accordance with our existing legislation instructed all law enforcement agencies; at the border posts, airports and harbours to step up security at these facilities and to be on alert. In this regard, immigration control has been tightened.

-Defence Act, 1957(Act 44 of 1957) as amended under its sections 121A and 124(1), makes it mandatory for Namibian citizens to request authorisation from the Head of State to serve in foreign military forces/armed groups or to serve as mercenaries.

-Act 75 of 1969 on Arms and Ammunitions, has regulatory mechanisms regarding import and export of weapons and possession and handling of arms and ammunitions in Namibia. Law enforcement agencies are empowered by the said Act to make sure that weapons destined for terrorist groups or for terrorist use are not smuggled via Namibia and that in general the territory of Namibia is not used as a transit of weapons for terrorists.

-Namibia is in the process of promulgating legislation to combat organised crime. The draft is completed, and is awaiting the necessary legislative process.

-Possession of arms and ammunitions, without a valid license, is an offence and if the firearm is a machine gun, there is a mandatory sentence of imprisonment.

-A new Defence Bill, which was passed by the National Assembly in November 2001 and is now under consideration by the National Council, prohibits acts of terrorism and gives additional powers to the Defence Force to assist the police and other State law enforcement agencies, in their ongoing efforts to prevent and suppress terrorism in all respects.

-In November 2001, Namibia signed the International Convention for the Suppression of the Financing of Terrorism, adopted by the UN General Assembly on 9 December 1999. The twelve (12) existing anti-terrorist conventions are receiving due consideration by the relevant authorities, with a view of acceding, succeeding to or ratifying them. It must be noted, however, that Namibia has limited resources, both technical and financial, for

preparing and implementing all the requisite internalised legislation within the envisaged time frame. But Namibia's commitment is persistent and beyond doubt.

-In the context of the OAU Convention Against Terrorism (which Namibia has signed), our country will co-operate with other countries, in particular within the framework of the Southern Africa Development Community's Protocol on Defence and Security, in the implementation of the provisions of that resolution. All necessary measures will be taken in accordance with domestic laws and our international obligations to implement it.

-Namibia has not received requests from any country for assistance in tracing terrorists suspects or tracing suspicious banking transactions inside Namibia.

-Refugees entering Namibia are screened by the relevant authorities in co-operation with the United Nations High Commissioner for Refugees (UNHCR), and treated in accordance with our basic law and our international obligations.

-Namibia would need technical assistance and advice in the course of the implementation of the provisions of this resolution, in particular with regard to operative paragraph 2(b), (f), paragraph 3(a) and paragraph 4. Namibia will follow up on such request in the fullness of time.

The Ministry of Foreign Affairs, Information and Broadcasting of the Republic of Namibia avails itself of this opportunity to renew to the Chairman of the Committee of the Security Council established pursuant to resolution 1373 [2001] concerning international terrorism the assurances of its highest consideration.

21 December 2001

Chairman of the Committee Pursuant to
Security Council Resolution 1373(2001)
New York, NY